

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE R.BASANT

FRIDAY, THE 10TH AUGUST 2007 / 19TH SRAVANA 1929

Tr.P(Crl.).No. 61 of 2007()

S.T.NO.107/07 PENDING BEFORE THE FIRST CLASS MAGISTRATE
COURT-II, (MOBILE) KOTTAYAM

PETITIONER: ACCUSED

C.V.SASI, S/O.VELAYUDHAN,
N.G.O.QUARTERS, TYPE-2, NO.4, KAITHAVANA,
SANATHANAPURAM P.O., ALLEPPEY.
(DEPUTY TAHSILDAR, TALUK OFFICE,
THEKKEKARA P.O., KUTTANAD).

BY ADV. SRI.A.K.HARIDAS

RESPONDENTS: COMPLAINANT & STATE

1. A.N.SAMNTHABHADHAN,
(A.N.S. BHADRAN), S/O.NARAYANAN,
BHAKTHI VILASAM HOUSE, KARIKKAD, CHERTHALA.
(ROOM NO.12, C.S.I. ASCENSION SQUARE,
KOTTAYAM-2).
2. STATE OF KERALA, REPRESENTED BY
PUBLIC PROSECUTOR, HIGH COURT OF KERALA,
ERNAKULAM.

BY PUBLIC PROSECUTOR SRI.M.S.BREEZ

THIS TRANSFER PETITION (CRIMINAL) HAVING COME UP FOR ADMISSION
ON 10/08/2007, THE COURT ON THE SAME DAY PASSED THE
FOLLOWING:

R.BASANT, J

Tr.P(Crl.).No.61 of 2007

Dated this the 10th day of August, 2007

ORDER

The petitioner faces indictment in a prosecution under Section 138 of the Negotiable Instruments Act. He has already entered appearance. The matter stands posed for trial, it is conceded. At this stage, the petitioner has come before this Court to transfer the case to the court at Alappuzha. It is now pending before the Court at Kottayam.

2. There is no contention that the court at Kottayam has no jurisdiction. What is the ground for transfer ? The only submission is that it is advantageous to both concerned if trial were held at Alappuzha.

3. I am not persuaded to agree that a case posted for trial need be transferred on this ground. The matter has reached the stage of evidence. It is for the petitioner to take part in the trial before the court at Kottayam. The petitioner submits that the petitioner is a Government official. Official work obliges him to remain in his place of work. It would cause great hardship if his personal appearance were insisted by the Court at Kottayam on all dates of posting.. I find no reason to assume that any such unnecessary rigid insistence on

personal appearance shall be made in a prosecution under Section 138 of the Negotiable Instruments Act. The petitioner can apply for exemption. The learned Magistrate shall pass appropriate orders. I do not find any merit in this petition for transfer. This transfer petition is dismissed with the above observations.

(R.BASANT, JUDGE)

rtr/-